

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

FRANCISCO ROBLES,)	
)	
Petitioner,)	8:08CV280
)	
v.)	
)	
U.S. ATTORNEY GENERAL,)	MEMORANDUM AND ORDER
Agent(s), et al.,)	
)	
Respondents.)	
_____)	

This matter is before the Court on its own motion. On January 9, 2009, the court dismissed plaintiff's complaint without prejudice (Filing Nos. [15](#) and [16](#)). On January 13, 2009, plaintiff filed a notice of appeal of the Court's judgment (Filing No. [17](#)). However, plaintiff did not submit the appellate filing fee of \$455.00, nor did he submit a motion to proceed in forma pauperis ("IFP") (Filing No. [18](#)). Plaintiff was not previously given leave to proceed IFP in the district court.

IT IS ORDERED:

1. Plaintiff shall have until March 16, 2009, in which to either submit the appellate filing fee of \$455.00 or a motion to proceed in forma pauperis, with the required affidavit. If plaintiff takes no action, his appeal will not be processed.

2. Plaintiff is reminded that the Prison Litigation Reform Act makes the prisoner liable for payment of the full \$455.00 appellate filing fee regardless of the outcome of the appeal. An incarcerated civil appellant is required to pay the

full amount of the \$455.00 filing fee by making monthly payments to the court, even if he is proceeding in forma pauperis. [28 U.S.C. § 1915\(b\)](#).

3. The clerk of the court shall not process the appeal in this matter pending further order of the Court.

DATED this 27th day of February, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court